The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YEVGENIY EUGENE SHTEYN

Appeal 2007-1407
Application 09/823,141
Technology Center 2100

Decided: June 29, 2007

Before JAMES D. THOMAS, ANITA PELLMAN GROSS, and HOWARD B. BLANKENSHIP, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Shteyn (Appellant) appeals under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1, 3 through 6, and 10 through 18, which are all of the claims pending in this application.

Appellant's invention relates to a task management system in which the movement of an object is monitored, and a reminder message to move

the object is automatically eliminated once the object is moved. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A task management system for use in a home environment for managing a task scheduled in advance and involving a user moving an object from a first location to a second location, the system comprising:

(a) a tag attached to said object;

(b) a first sensor fixedly positioned in a path of travel of said object from said first location to said second location, said first sensor configured to:

(i) remotely sense the presence of said object at a first intermediate location between said first and second locations via said tag attached to said object;

(ii) transmit a first signal responsive to the remote sensing of the presence of said object at said first intermediate location between said first and second locations;

(iii) remotely sense the absence of said object at said first intermediate location between said first and second locations via said tag attached to said object, subsequent to said transmission of said first signal; and

(iv) transmit a second signal responsive to the remote sensing of the absence of said object at said first intermediate location between said first and second locations;

(c) scheduling means configured for scheduling said task;

(d) monitoring means for

(i) receiving and processing said first and second signals transmitted from said first sensor;

(ii) generating a reminder message for display to said user to perform said scheduled task;

(iii) automatically removing said reminder message upon receiving said second signal from said first sensor indicating completion of said scheduled task.

The prior art reference of record relied upon by the Examiner in rejecting the appealed claims is:

Fernandez	US 6,697,103 B1	Feb. 24, 2004 (filed Mar. 19, 1998)

Claims 1, 3 through 6, and 10 through 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fernandez.

We refer to the Examiner's Answer (mailed October 23, 2006) and to Appellant's Brief (filed November 21, 2005) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse the anticipation rejection of claims 1, 3 through 6, and 10 through 18.

OPINION

Appellant contends (Br. 5-7) that Fernandez fails to disclose the claim limitations of (1) remotely sensing the absence of the object at the intermediate location after transmission of the first signal (i.e., claim 1(b)(iii)), (2) transmitting a second signal in response to sensing the absence (i.e., claim 1(b)(iv)), and (3) automatically removing the reminder message upon receiving the second signal (i.e., claim 1(d)(iii)). The Examiner (Answer 4) finds that Fernandez teaches the above-noted limitations at

column 3, lines 60-67 and column 6, lines 5-10; column 6, lines 16-23, 30-32, and 50-52; and column 4, lines 20-22 and column 9, lines 26-38, respectively. The issue, therefore, is whether Fernandez discloses the limitations of sensing the absence of the object at the intermediate location, transmitting a second signal in response to sensing the absence of the object, and automatically removing a reminder message in response to receiving the second signal.

Fernandez discloses (col. 3, ll. 46-48 and col. 6, ll. 5-32) remotely sensing the presence of an object at a particular location and transmitting a signal in response to sensing the object. Fernandez (col. 9, ll. 26-34) further discloses monitoring "object presence, movement and/or other observed condition in one or more monitored locations," and refers to "recording or alerting appropriately, for example, when object delivery is late, early, on schedule, unscheduled, or *absent*" (emphasis ours). Thus, Fernandez arguably teaches continued monitoring of the object, including determining when the object is absent from the monitored location, and transmitting signals regarding the location of the object.

However, we find nothing in Fernandez that teaches or suggests automatically removing a reminder message in response to receiving the signal that the object is absent from the monitored location, which is recited in each of independent claims 1 and 11. The portions relied upon by the Examiner for automatically removing a reminder message teach updating a database that maintains past, current, and expected future locations for the sensors and comparing object presence with an object's movement schedule maintained in a database. The portions relied upon do not even mention a reminder message, and, thus, do not discuss automatically removing such a

message. "It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim." *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). *See also Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). Since Fernandez fails to disclose the claim limitation of removing a reminder message, we cannot sustain the anticipation rejection of independent claims 1 and 11, nor of their dependents, claims 3 through 6, 10, and 12 through 18.

ORDER

The decision of the Examiner rejecting claims 1, 3 through 6, and 10 through 18 under 35 U.S.C. § 102(e) is reversed.

REVERSED

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